

INTRADEPARTMENTAL CORRESPONDENCE

January 20, 2021
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POLICE COMMISSION
2021 JAN 20 PM 3:50

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING, FID NO. 010-20

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 010-20. A Use of Force Review Board (UOFRB) was convened on this matter on December 14, 2020. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

According to the FID investigation, on Monday, March 30, 2020, at 0125 hours, Officer J. Soliman, Serial No. 39370, West Los Angeles Patrol Division, was off duty, inside of his residence located in the City of Woodland Hills, California. Officer Soliman was in his bedroom lying in bed with his girlfriend, Witness A. Crawford, when he heard the sound of a vehicle stop outside of his residence. Officer Soliman lifted the window shade, looked outside, and observed the rear end of a white Dodge Charger. The Dodge Charger stopped in the middle of the street, directly behind Officer Soliman and Crawford's vehicles, which were parked facing north in the driveway. Officer Soliman observed the Dodge Charger facing east with the driver and the front passenger's doors open.

Note: Unbeknownst to Officer Soliman, the occupants of the white Dodge Charger burglarized victim A. Valladares' vehicle two minutes earlier. The FID investigation determined Valladares' residence at 22653 Cass Avenue was two-tenths of a mile west of Officer Soliman's residence.

According to the FID investigation, Officer Soliman monitored the vehicle for a few seconds and observed a male wearing black clothes, identified as Suspect No. 2, run towards his rear yard along the east side of his residence. Officer Soliman stated that his property was under construction and observing the suspect run towards the rear yard led him to believe the suspect was breaking into his residence. Officer Soliman stated he told Crawford to contact 911, advised

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

her someone was breaking into the house, and retrieved his Glock 40 caliber off-duty pistol from underneath the bed (**Debriefing Point No. 1 – Off-Duty Tactics**).²

Note: According to the FID investigation, Crawford did not recall Officer Soliman informing her what was occurring outside.

According to the FID investigation, at the time of this incident, Officer Soliman's front and rear yard were under construction. There were no fences or gates to prevent access to the front or rear yards. The bedroom was on the southwest side of the property. The bedroom window faced south onto the front yard, the driveway area, and Cass Avenue. Officer Soliman exited his bedroom and walked to the front door. He opened the front door and heard a male voice yell something; however, he could not make out what the male had yelled. Officer Soliman observed the white Dodge Charger, but did not see anyone near it. He heard a commotion and footsteps on the east side of his residence near the garage. Officer Soliman exited his residence and walked approximately 10 to 15 feet away from the front door into the front yard towards the area where he had heard the noises. Officer Soliman described carrying his holstered pistol in front of his chest with his right hand in a pistol grip and the left hand holding the holster when he walked outside [**Additional Tactical Debrief Topics – Off-Duty Actions/Tactics (Holstering a Back-Up and Off-Duty Firearms)**].

According to the FID investigation, Officer Soliman stated that as he walked through the yard, a male, identified as Suspect No. 1, jumped up from behind the rear passenger trunk of Officer Soliman's black Infinity Q50 vehicle. Simultaneously, Officer Soliman heard Suspect No. 2 running along the east side of the residence and Suspect No. 2 yell, "Get the gun." Officer Soliman described Suspect No. 1, who was crouched behind Officer Soliman's black Infinity, jump up, and quickly move from the rear passenger trunk to the rear driver trunk area. Officer Soliman stated that Suspect No. 1 quickly sidestepped and moved west towards him. Officer Soliman observed Suspect No. 1's arms down to his sides and holding a black object in his right hand. Suspect No. 1 stopped between Officer Soliman's black Infinity trunk and a pillar at the corner of the yard. Once Suspect No. 1 stopped, Officer Soliman stated he realized the black object Suspect No. 1 held in his right hand was a black semi-automatic handgun.

According to the FID investigation, Officer Soliman stated Suspect No. 1 held the handgun down to his side, extended his right arm, and began to raise the gun in Officer Soliman's direction. Officer Soliman believed Suspect No. 1 was going to shoot him. Believing he was going to be shot, Officer Soliman removed the holster with his left hand and dropped the holster on the ground to unholster his pistol.

According to Officer Soliman, he walked outside of his residence towards his driveway while holding his off-duty pistol secured in a pocket holster in his right hand near his chest area. Officer Soliman observed Suspect No. 1 *pop up from behind* his car. Simultaneously, he heard movement from the east side of his residence and heard Suspect No. 2 yell, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun." Officer Soliman

² The FID investigation revealed that Officer Soliman's off-duty pistol was holstered in a nylon pocket holster.

initially observed a *black object* in Suspect No. 1's *right hand* which was down by Suspect No. 1's *side*. Suspect No. 1 then *started lifting* the *black object up* towards Officer Soliman, at which time Officer Soliman recognized the black object as a *handgun*. Officer Soliman who was cupping his off-duty pistol's *holster* in his *left hand*, grasped the *butt* of his off-duty service pistol in his *right hand*, and drew his off-duty pistol (**Drawing/Exhibiting**).

According to the FID investigation, Officer Soliman stated that he held his pistol with his right hand, and as he moved the pistol from his chest forward, he aimed at Suspect No. 1's center body mass and discharged his pistol once. Officer Soliman believed he had to fire his pistol first before Suspect No. 1 fired at him.

Note: The FID investigation determined Officer Soliman discharged his pistol a total of six times, in three volleys of fire, from an increasing distance of approximate 36 to 50 feet.

According to the FID investigation, an analysis of an audio recording from a residential video camera indicated that the OIS was approximately four seconds from the time of the first gunshot to the last gunshot.³ The first two gunshots sounded in pairs, followed by two single gunshots with a slight pause in between, and the last two gunshots were also in pairs.

According to Officer Soliman, he was inside of his residence when he observed a white Dodge Charger through his bedroom window, stopped in the middle of the street, behind the parked vehicles in his driveway. Officer Soliman briefly monitored the vehicle through his bedroom window, retrieved his off-duty pistol, and exited his residence to determine what was occurring. Officer Soliman walked out of his residence towards his driveway while holding his off-duty pistol secured in a pocket holster in his right hand near his chest area. Officer Soliman observed Suspect No. 1 who was wearing a black and red sweatshirt, suddenly appear near the rear of his vehicle, holding a black object in *one hand*, and begin "extending his [Suspect No. 1] arm and lifting it up towards me [Officer Soliman]." Simultaneously, Officer Soliman heard movement from the east side of his residence and heard Suspect No. 2 yell, "Get the gun or something about getting a gun." Officer Soliman recognized the black object was a *black semiauto* handgun and drew his off-duty pistol from its pocket holster. Officer Soliman *was in fear for his safety*, believed *the suspect was going to shoot* him, and discharged his off-duty service pistol from a one-handed *close contact* position targeting the suspect's *center mass*, due to the imminent lethal threat that was presented. Officer Soliman stated it was necessary to fire his off-duty pistol due to the fact that the suspect was armed with a handgun, began pointing it at him, and his belief that *the suspect was going to shoot* him if he did not fire his pistol. Officer Soliman stated, "I knew that I was going to get shot by him if I didn't do something about it," (**Lethal Force – Volley One**).

According to the FID investigation, Officer Soliman assessed and observed Suspect No. 1 quickly sidestepping west behind the pillar at the corner of his yard while still raising the gun in his direction. Officer Soliman believed Suspect No. 1 was seeking cover behind the pillar. As

³ The audio recording was captured on the video camera of the residence at 5234 Sale Avenue.

Officer Soliman extended his right arm forward, he aimed at Suspect No. 1's center body mass and discharged his pistol a second time.

According to Officer Soliman, after he discharged his off-duty pistol, he observed Suspect No. 1 begin to *run westbound* towards one of the *fence columns* which made up various portions of an unfinished wall in Officer Soliman's front yard. Officer Soliman observed Suspect No. 1 *still raising* the handgun Suspect No. 1 had been armed with, towards his [Officer Soliman] direction. Officer Soliman discharged his off-duty pistol (**Lethal Force – Volley Two**).

According to the FID investigation, Officer Soliman assessed, sidestepped to his left to seek cover and obtain a better view of Suspect No. 1. Officer Soliman realized he did not have cover. Suspect No. 1 had now moved behind the pillar as the left side of Suspect No. 1's body was covered with the pillar. Officer Soliman was able to see the right side of Suspect No. 1's body. Suspect No. 1 continued to raise the gun in Officer Soliman's direction. Officer Soliman extended his right arm, aimed his off-duty pistol at the right side of Suspect No. 1's body, and discharged two additional rounds as he backpedaled to his front door. Officer Soliman believed he fired his pistol a total of four times and described holding his pistol with his right hand only when he fired.

According to Officer Soliman, he attempted to gain some *cover* and began "retreating and going backwards" as Suspect No. 1 moved from behind Officer Soliman's vehicle to the fence column. As Officer Soliman continued to redeploy backwards towards the cover of his front door, he observed "half his [Suspect No. 1] body was covered with the column." Officer Soliman observed Suspect No. 1 was still *facing* Officer Soliman and the handgun the Suspect No. 1 was armed with *still coming up* pointed towards Officer Soliman. Officer Soliman discharged his off-duty pistol at the "right hand-side" of the suspect, which was the only area which he had a view of (**Lethal Force – Volley Three**).

According to the FID investigation, Officer Soliman stated that he briefly lost sight of Suspect No.1, but once Officer Soliman reached the threshold of his front door, he observed Suspect No. 1 dive from a pillar at the corner of his yard back towards the trunk of Officer Soliman's black Infinity. Simultaneously, as Suspect No. 1 dove, Officer Soliman observed the Dodge Charger driver's door close. Suspect No. 1 immediately stood up, ran around the Dodge Charger's trunk, and jumped into the front passenger seat. The Dodge Charger fled east on Cass Avenue and left the area. Officer Soliman returned inside his residence and observed Crawford on the telephone with the Emergency Board Operator (EBO).⁴

According to Crawford, she was inside of the closet dialing 911 when she heard Officer Soliman open the front door to walk outside. After the front door opened, Crawford heard three to four gunshots. Crawford stated that she heard the gunshots before speaking with EBO. Crawford heard Officer Soliman re-enter the house and close the door. She also heard screeching tires and a car driving away. Crawford exited the closet, provided the EBO with the address of the

⁴ Emergency Board Operator (EBO) is a staff telephone position at Communications Division where calls for service are received. The EBO is also known as a 911 operator.

emergency, and met Officer Soliman in the living room. Officer Soliman took the telephone from Crawford, spoke with the EBO, explained what occurred, and that he was an off-duty officer.

According to the FID investigation, at 01:25:35 hours, the EBO answered Crawford's call for service. Crawford provided the EBO with the address of the emergency. As Crawford spoke with the EBO, Officer Soliman asked her for the telephone. Officer Soliman identified himself as an off-duty LAPD officer, advised the EBO that shots had been fired, requested for help, and provided his address. The EBO asked Officer Soliman how many shots he heard. Officer Soliman informed the EBO that he fired four times and described the suspects, their vehicle, and the direction they fled. Approximately seven minutes into the call Officer Soliman advised the EBO that everyone inside his residence were under quarantine and to warn the responding officers.

According to the FID investigation, Officer Soliman believed he then walked to his front yard and retrieved his pocket holster. He holstered his off-duty pistol, returned inside his residence, and placed his off-duty pistol on the kitchen counter (**Additional Tactical Debrief Topics – Preservation of Evidence**).

Note: Officer Soliman was not certain when he retrieved his holster; whether it was before or after the responding officers arrived.

According to the FID investigation, at 01:29:00 hours, Communication Division (CD) broadcast, "Topanga units and 21A1, 21A1, shooting just occurred 22527 Cass Avenue, 22527 Cass Avenue, suspect vehicle last seen eastbound on Cass, a white Dodge, suspects are two male unknowns. Suspect No. 1 wearing a red and black sweatshirt, no further, armed with a handgun. The PR is an off-duty LAPD officer, shot three to four rounds at the suspects, Code Three, incident 222, and RD 2183 standby for additional." Between 01:29:40 hours and 01:29:50 hours, CD broadcast two separate "Shots fired, heard only" radio calls in the area of Avenue San Luis and Sale Avenue.

According to the FID investigation, at 01:30:00 hours, CD broadcast additional information related to Officer Soliman's 911 call, "Topanga units additional on the shooting just occurred, 22527 Cass Avenue, suspects' vehicle is a 2017 to 2018 white Dodge Charger, unknown license plate, incident 222." At 01:30:20 hours, Sergeant R. Boehret, Serial No. 38551, Topanga Patrol Division, assigned to Unit 20L70 advised CD he was responding to the radio call from Topanga Community Police Station (CPS). At 01:30:40 hours, CD assigned the radio call to Officers C. Camacho, Serial No. 31962, and R. Tamate, Serial No. 35410, Topanga Patrol Division, assigned to Unit 21A1. The officers advised CD they were responding from Topanga CPS. At 01:31:50 hours, CD broadcast, "All units officer needs help 22527 Cass Avenue, officer needs help 22527 Cass Avenue, shots fired" (**Additional/Equipment – Communications Division Protocols**).

According to the FID investigation, the following Topanga Patrol Division uniformed personnel responded to the incident: Officers J. Shonafelt, Serial No. 42669, and J. Magana, Serial

No. 43419, assigned to Unit 21A97; and Officers S. Steelmon, Serial No. 40131, and G. Guenther, Serial No. 41764, assigned to Unit 21X98. Officers Steelmon and Guenther were in a marked black and white police vehicle. At the time of the incident, the officers were equipped with body worn video (BWV) and their vehicles were equipped with DICVS **(Additional/Equipment – BWV Activation)**.⁵

According to the FID investigation, when the radio call was broadcast, Officers Shonafelt and Magana were traveling west on Ventura Boulevard east of Shoup Avenue. They were close to the area of the call. Officers Shonafelt and Magana drove through the area searching for the suspects' vehicle or escape routes the suspects could have traveled. Officer Magana indicated that while searching, the radio call was upgraded to an officer needs help. Officers Shonafelt and Magana discontinued their search for the suspects and responded to the help call.

According to the FID investigation, at 01:32:40 hours, Officer Magana advised CD they had arrived on scene and broadcast, "97 show us Code Six in the area." At 01:32:55 hours, Officer Guenther advised CD they had arrived on scene and broadcast, "X98 Code Six."⁶

Note: A review of CD recordings of the Topanga Area base frequency determined Officer Magana's Code Six broadcast was captured, but Officer Guenther's broadcast was not.

According to the FID investigation, at 01:33:00 hours, CD broadcast, "Topanga units, additional on the shooting just occurred, 22527 Cass Avenue, monitor the comments for health and safety, incident 222."

According to the FID investigation, at 01:33:20 hours, several officers arrived on scene simultaneously. At 01:33:20 hours, Officer Shonafelt exited his vehicle and approached Officer Soliman's residence. Officer Shonafelt was on the street just outside Officer Soliman's front yard as Officer Soliman stood in his front yard with his hands up. Officer Shonafelt inquired to Officer Soliman which direction the suspects' vehicle fled. Officer Soliman stated, "The car traveled this way, and then I heard it go down south. I'm an off-duty LAPD."

Note: Officer Soliman pointed east and north when he described the direction the suspects fled. The FID investigation determined the suspects' vehicle fled east on Cass Avenue then north on Sale Avenue. Force Investigation Division Criminal Apprehension Team continued their investigation. At the time of this report, the suspects involved in this incident have not been identified. The suspects, any weapons, and their vehicle remain outstanding.

According to the FID investigation, Officer Soliman described the incident to the officers on scene. Officer Shonafelt suggested officers turn their BWV off if they asked Officer Soliman questions. Officers Steelmon and Guenther advised they were not doing a statement and just

⁵ Additionally, the following Topanga Patrol Division uniformed personnel also responded to the officer needs help call: Officers C. Delgado, Serial No. 41323 and H. Montoya, Serial No. 40297, assigned to Unit 21A5, Officers J. Hernandez, Serial No. 43170 and A. Singh, Serial No. 43154, assigned to Unit 21A29, and Sergeant P. Jaffe, Serial No. 27787, assigned to Unit 20L40.

⁶ Code Six denotes a unit has arrived at the scene of the call for service.

wanted to know the direction Officer Soliman fired to search in that area. Officers Shonafelt and Magana returned to their police vehicle and moved it to block traffic at Cass Avenue and Crespi Street. Officer Guenther asked Officer Soliman the direction he fired to search for potential victims downrange. Officer Guenther indicated he intended to verify if any discharged rounds had struck the suspects, bystanders, or neighbors. Officer Soliman began to describe the incident to the officers at the scene, Officer Steelmon turned away from the yard, walked to the driveway, produced his hand-held police radio, and broadcast, "21X98, Code Four, officer is ok, slow everybody down, standby for a crime broadcast."⁷

According to the FID investigation, Sergeant Boehret, while traveling to the radio call, heard Officer Steelmon's broadcast that the incident was Code Four, and the suspects were gone. Sergeant Boehret ordered all responding units to shut down their Code Three response except for two units and himself.⁸

According to the FID investigation, Officer Steelmon returned to the front yard as Officer Soliman continued to describe the incident. Officer Steelmon asked Officer Soliman where his pistol was, and Officer Soliman responded it was on the counter inside of his residence. Officer Steelmon directed Officer Soliman to leave the pistol alone and advised him the incident would be an FID investigation. Officer Steelmon donned a face mask, approached Officer Soliman, and obtained information for a crime broadcast. At 01:35:38 hours, Officer Steelmon utilized his hand-held police radio and broadcast, "21X98 be advised, suspects were last seen eastbound and possibly northbound on Sale in a white Charger, two males, unknown, no further, possibly armed with a gun, weapon still outstanding." Officers Hernandez and Singh arrived on scene and entered the front yard. Officer Steelmon immediately directed Officers Hernandez and Singh to exit the yard and advised them the yard was an OIS crime scene. Officer Steelmon inquired to Officer Soliman if anyone else was in the residence and if they were alright. Officer Soliman advised the officers he observed one of the suspects run from his rear yard. Officer Steelmon, Hernandez, and Singh discussed a plan to clear the rear yard. Officer Steelmon directed Officer Guenther to remain at the front door, while he and Officers Hernandez and Singh cleared the rear yard. Officers Steelmon, Hernandez, and Singh stood in the driveway as they prepared to clear the rear yard.

According to the FID investigation, Officers Delgado and Montoya arrived on scene and approached the driveway. Officer Steelmon briefed Officers Delgado and Montoya that the front yard was an OIS crime scene and directed them to secure the scene and tape the area off while Officer Steelmon, along with Officers Hernandez and Singh, cleared the rear yard. Officers Steelmon, Hernandez, and Singh walked along the east side of the property, entered the rear yard, and cleared the yard.

According to the FID investigation, at 01:35:32 hours, Officer Guenther asked Officer Soliman where he stood when he fired. Officer Soliman responded he was at the doorway of the residence. Officer Guenther searched for discharged cartridge casings and placed folded Field

⁷ Code Four denotes that no additional assistance is needed at the scene of an incident.

⁸ Code Three denotes the incident is an emergency call and the unit shall respond in a manner that enables them to reach the scene as quickly and safely as possible using the emergency lights and siren.

Interview cards (FIs) over the casings. At 01:37:45 hours, Officer Guenther stood at the front yard when Officers Delgado and Montoya approached the driveway. Officer Guenther briefed Officers Delgado and Montoya that Officer Soliman was under quarantine and advised them to remain outside the yard.

According to the FID investigation, at 01:37:45 hours, Sergeant Boehret arrived on scene and advised CD he was Code Six. Sergeant Boehret approached Officer Soliman's front yard and was briefed by Officers Delgado and Montoya that Officer Soliman was under quarantine. Sergeant Boehret inquired if Officers Delgado, Montoya, and Guenther had their BWV activated, and suggested they deactivate their BWV if they were inside of the yard or if they spoke with Officer Soliman. Officer Guenther briefed Sergeant Boehret of Officer Soliman's position during the OIS, the direction he fired, and where the discharged cartridge casings were in the yard. Sergeant Boehret met with Officer Shonafelt in the middle of the street, directed him to secure the road, and to set up an inner and outer crime scene.⁹

According to the FID investigation, Sergeant Boehret directed any other personnel responding personnel not to enter the scene. At 01:41:00 hours, Sergeant Boehret broadcast, "21L70, advise the other units we have sufficient units on the inner perimeter here. Don't let any more units come in the hard shut down at the street corner, including other supervisors, only myself." Sergeant Boehret obtained a face mask for Officer Soliman. At 01:42:30 hours, Sergeant Boehret met with Officer Soliman at the front door of the residence, handed him the face mask, and obtained Officer Soliman's Public Safety Statement (PSS) (**Additional/Equipment – Protocols Subsequent to a Categorical UOF**).

According to the FID investigation, Sergeant Boehret stated that Officer Soliman sat on a chair at the front door after he obtained the PSS. Sergeant Boehret stepped away from Officer Soliman, but kept him within visual contact to monitor Officer Soliman from a distance. Sergeant Boehret stated that he did not declare himself as the Incident Commander (IC), but assumed the role because he was the only supervisor on scene and took control of the incident. Sergeant Boehret notified the Topanga Patrol Division Assistant Watch Commander (AWC) and briefed him of the OIS.

Note: The primary unit, Officers Camacho and Tamate, as well as Officers Delgado, Montoya, Hernandez, Singh, and Sergeant Jaffe arrived between two and five minutes after Officers Shonafelt and Magana, Steelmon, and Guenther. These officers and Sergeant Jaffe assisted in securing Officer Soliman's residence, securing the crime scene, and establishing a Command Post (CP). However, they had minimal contact with Officer Soliman; therefore, they were not interviewed for the investigation.

According to the FID investigation, at 0210 hours, Sergeant A. Kim, Serial No. 30174, AWC, Topanga Patrol Division, notified the Department Operations Center (DOC) of the OIS incident.

⁹ Upon learning Officer Soliman was under quarantine, the officers on scene and Sergeant Boehret donned their face masks.

According to the FID investigation, at approximately 0335 hours, Captain J. Tom, Serial No. 32993, Commanding Officer, West Los Angeles Area, arrived on scene, entered the crime scene, and met with Officer Soliman to check on his well-being. Captain Tom stated he was concerned for Officer Soliman's welfare because Officer Soliman was recovering from a significant medical condition (**Additional/Equipment – Preservation of Evidence**).

FINDINGS

Tactics – Tactical Debrief, Officer Soliman.

Drawing/Exhibiting – In Policy, No Further Action, Officer Soliman.

Lethal Use of Force – In Policy, No Further Action, Officer Soliman.

ANALYSIS¹⁰

Detention

Officer Soliman was off duty during early morning hours, inside of his residence with his family, when he heard a vehicle stop in the street behind the parked vehicles in this driveway. Officer Soliman observed Suspect No. 2 move towards the east side of his residence and believed his residence was possibly being burglarized. Officer Soliman advised Crawford to contact 911 as he retrieved his off-duty pistol, which was secured in a pocket holster, from under his bed and moved towards the front door of his residence. Officer Soliman exited the front door of his residence while holding his off-duty pistol near his chest area in an attempt to investigate if a crime was actually occurring. Officer Soliman was not intending to detain or take enforcement action at this time. Officer Soliman suddenly encountered Suspect No. 1, who presented himself from behind Officer Soliman's vehicle which was parked in his driveway. Simultaneously, Officer Soliman heard footsteps on the east side of his residence and heard Suspect No. 2 yell, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun." Officer Soliman observed Suspect No. 1 holding a black semi-automatic handgun which Suspect No. 1 began raising up towards Officer Soliman, resulting in an OIS. Officer Soliman reacted to the actions of the suspects. The actions of Officer Soliman in defending himself were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

¹⁰ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the FID investigation.

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training"* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officer Soliman was off duty and inside of his residence during early morning hours with his family. Officer Soliman observed a white Dodge Charger stopped in the street behind the parked vehicles in his driveway and observed Suspect No. 2, dressed in black clothing, move towards the east side of his residence which was accessible to the public due to construction. Officer Soliman, in the limited time that he had, communicated to Crawford to contact 911 and move to the closet in order to place herself in a safer secured area. Officer Soliman retrieved his off-duty pistol, which was secured in a pocket holster from underneath his bed in order to be prepared and have an available option in the event the incident escalated to a point where deadly force was necessary. Officer Soliman moved towards his front door and exited his residence in an attempt to investigate possible criminal activity which he believed was likely occurring.

The UOFRB noted that Officer Soliman was provided with limited time to plan a tactical strategy as he was off duty. Officer Soliman believed his family was possibly in danger and the UOFRB opined that Officer Soliman was attempting to ascertain if criminal activity was occurring and also attempted to be an effective witness. The UOFRB noted that Officer Soliman

attempted de-escalation strategies, such as communicating with Crawford and requesting that she contact 911 in an attempt to mobilize additional uniformed police resources. The UOFRB noted after the conclusion of the OIS, Officer Soliman stood unarmed in his front yard with his hands up as on duty officers arrived at scene in order to demonstrate that he was not a threat and proceeded to provide a description of the incident, the suspects, and their vehicle. The UOFRB opined this reflected an aspect of planning as Officer Soliman identified himself, did not present himself as a threat, and immediately provided pertinent information, including that he and his household was under quarantine to prevent exposure to responding officers.

Assessment – As Officer Soliman observed the white Dodge Charger stopped in the street behind the parked vehicles in his driveway during early morning hours, he took a few moments to assess what was occurring. Officer Soliman observed Suspect No. 2 run towards the east side of his residence which was vulnerable since there were no barriers to prevent access to the rear yard due to the front and rear yards being under construction. Based on his assessment, Officer Soliman believed his residence was possibly in the process of being burglarized. Officer Soliman retrieved his off-duty pistol, which was secured in a pocket holster, from under his bed to have a lethal force option based on the possible threat presented by the suspect. The UOFRB noted that Officer Soliman moved towards his front door and continued to assess as he opened the front door and heard an unknown voice yell something that he was unable to understand. Officer Soliman moved towards his front yard as he continued to assess and determine if a crime was occurring or if co-workers were dropping off food or additional items to assist him due his quarantine.

The UOFRB considered as Officer Soliman moved approximately 10 to 15 feet from his front door, Officer Soliman was immediately confronted by Suspect No. 1 who appeared from behind the rear of Officer Soliman's parked vehicle. Suspect No. 1 was armed with a black object which Officer Soliman immediately recognized as a semi-automatic handgun. Simultaneously, Officer Soliman heard footsteps on the east side of his residence and heard Suspect No. 2 yell, "Get the gun or something about getting a gun." The UOFRB noted Officer Soliman continued to assess and observed Suspect No. 1 presented an imminent lethal threat, resulting in an OIS.

The UOFRB considered that the tactical situation was dynamic and escalated suddenly and without warning based on Suspect No. 1's actions. The UOFRB noted that Officer Soliman continued to assess during the discharging of each round during the OIS and observed Suspect's No. 1's attempt to gain cover as Suspect No. 1 continued to raise the handgun at Officer Soliman. Officer Soliman redeployed back towards his front door in an attempt to gain cover for himself. The UOFRB noted Officer Soliman ceased firing immediately after losing visual contact with Suspect No. 1 and assessed that Suspect No. 1 no longer presented an imminent lethal threat. Officer Soliman observed Suspect No. 1 dive back towards the east and the suspect vehicle flee shortly thereafter. The UOFRB noted Officer Soliman continually assessed throughout the incident as he was confronted with a sudden imminent lethal threat, and continued his assessment even after the imminent lethal threat ceased, and was able to obtain information regarding the direction of travel the suspects fled in.

Time – As Officer Soliman observed the white Dodge Charger stopped in the middle of the street with its doors open, he attempted to utilize the time he had to assess what was occurring; however, he observed Suspect No. 2 run towards the east side of his residence and believed his family was potentially in danger and that his residence was possibly being burglarized. Officer Soliman utilized the time he had to communicate with Crawford and directed her to contact 911 in an effort to request additional uniformed police resources to the location to assist in the event a burglary was occurring. As Officer Soliman opened his front door, he utilized the time he had to listen and continue to assess the situation. The UOFRB noted that as Officer Soliman moved towards his front yard in an attempt to assess and investigate whether criminal activity was occurring, Suspect No. 1 suddenly appeared from behind Officer Soliman's vehicle and began to raise and point a handgun towards Officer Soliman. As this was occurring, Officer Soliman heard footsteps along the east side of his residence as Suspect No. 2 yelled, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun."

The UOFRB considered that Officer Soliman had limited time from the onset of the incident, based on observing Suspect No. 2's movement towards the rear of his residence and his belief that his family was potentially in danger. The UOFRB opined that Officer Soliman's time to react or de-escalate the incident was limited due to Suspect No. 1's actions of pointing a handgun at Officer Soliman, which escalated the incident and was a clear imminent lethal threat. The UOFRB noted that Officer Soliman utilized the available time; however, he was forced to react to the imminent lethal threat presented by Suspect No. 1's actions and subsequently became involved in an OIS.

Redeployment and/or Containment – As Officer Soliman assessed the situation while observing the white Dodge Charger stopped in the street behind the parked vehicles in his driveway, he observed Suspect No. 2 run towards the east side of his residence. The UOFRB considered Officer Soliman believed his family was in danger, his residence was possibly about to be burglarized, and there were no barriers preventing access to the unknown suspects. Officer Soliman was situationally aware that his front and rear yards were uncontained and that the unknown suspects had access to both the front and rear of his property. The UOFRB noted Officer Soliman was off duty and in his residence with his family, which did not afford him the ability to redeploy. The UOFRB noted Officer Soliman had directed Crawford to contact 911 in an effort to request additional uniformed police resources to the.

As the OIS occurred, Officer Soliman determined he needed to redeploy to a better position of cover and moved backwards towards his front door, increasing the distance between him and the suspects. The UOFRB acknowledged that Officer Soliman redeployed when he determined it was necessary during the OIS; however, Officer Soliman was off duty and in his residence with his family, which limited his options of containment of the suspects or for him to redeploy.

Other Resources – Immediately upon observing Suspect No. 2 running towards the east of his residence, Officer Soliman believed his residence was possibly about to be burglarized. Officer Soliman directed Crawford to contact 911 in an effort to initiate the response of uniformed police resources. The UOFRB considered that Officer Soliman was off duty with his family, inside of

his residence and did not have additional less-lethal force options or tactical resources other than his off-duty pistol.

The UOFRB noted that Officer Soliman was presented with a situation in which he believed his family was in potential danger, and while attempting to investigate and assess what was occurring, he was suddenly confronted with an imminent lethal threat as he observed Suspect No. 1 point a handgun towards him, resulting in an OIS. Suspect No. 1's actions escalated the tactical situation to which Officer Soliman, who had limited force options, redeployed to wait for additional resources to arrive.

Lines of Communication – Upon observing Suspect No. 2 run towards the east side of his residence, Officer Soliman believed his residence was possibly about to be burglarized. Officer Soliman established lines of communication with Crawford, directed her to contact 911 to request the response of additional uniformed police resources. The UOFRB considered that as Officer Soliman moved towards the front yard of his house, he was confronted by Suspect No. 1 who began raising a black semi-automatic handgun towards him. The UOFRB noted Officer Soliman had limited time to attempt to establish lines of communication with Suspect No. 1 and instead reacted to the unexpected imminent lethal threat presented by Suspect No. 1's actions. Once the OIS concluded and the suspects fled the location, Officer Soliman established lines of communication with CD as he spoke to the EBO and provided pertinent information regarding the OIS, the suspects' descriptions, the suspects' vehicle, and their last known direction of travel. Officer Soliman established lines of communication with the responding officers as he identified himself and once again provided pertinent information regarding the incident.

The UOFRB noted, and I concur, that Officer Soliman was presented with an unexpected and alarming situation in which he was off duty with his family inside of his residence when he observed possible burglary suspects attempting to burglarize his residence. Due to his off duty status, Officer Soliman was limited in the resources he had available to him. However, though Officer Soliman believed his family was in danger, he still attempted to make efforts to utilize de-escalation strategies including utilizing his available time to continually assess the tactical situation, and immediately requesting additional resources for assistance. Based on Suspect's No.1's sudden appearance and hostile actions of pointing a handgun at Officer Soliman, the tactical situation was escalated by the suspects' actions, and Officer Soliman was limited in time and options. Officer Soliman was suddenly presented with an imminent threat to which he responded in an attempt to balance the safety and welfare of himself, his family, and the suspects.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Off-Duty Tactics

Under California law, both on-and off-duty officers have peace officer authority as to any public offense committed or which there is probable cause to believe has been committed in his presence and with respect to which there is immediate danger to person or property, or the escape of the perpetrator of such offense.

However, on-duty officers outside the City limits who are not acting within the scope of their employment as Los Angeles Police officers on matters of direct concern to the City and off-duty officers both inside and outside of the City limits are to give first consideration to causing the appropriate action to be effected by the responsible law enforcement agency.

Such officers should then act only after consideration of the tactical situation and of their possible liability and that of the City of Los Angeles (Los Angeles Police Department Manual, Volume 1, Section 230.10).

The decision to take enforcement action in the capacity of an off-duty officer requires that consideration be given to the fact officers are forced to make split-second decisions under very stressful and dynamic circumstances. Each incident must be looked at objectively and areas of concern must be evaluated based on the totality of the circumstances.

A successful and safe outcome of any off-duty officer action requires situational awareness and good judgement. In an effort to balance officer safety and a sense of duty, officers should always consider the safety risks involved to themselves and others before taking action while off duty. Unless absolutely necessary, being a good witness may be an off-duty officer's best option depending on the totality of the circumstances. Off-duty officers enhance their efforts in assisting the public by contacting on-duty law enforcement personnel and acting as a good witness. Situational awareness of off-duty officers improves overall officer safety by each officer remaining cognizant of their surroundings, remaining at scene, and providing pertinent information to the uniformed officers.

In this circumstance, Officer Soliman was off duty during early morning hours, inside of his residence with his family, when he heard a vehicle stop in the street behind the parked vehicles in his driveway. Officer Soliman looked outside of his bedroom window and observed a white Dodge Charger stopped behind both of the vehicles parked in his driveway with the front driver's and front passenger's doors open. Officer Soliman took a few moments to assess the scene and observed Suspect No. 2, dressed in black clothes, run towards the east side of his residence which did not have any gates or barriers due to construction on the exterior of Officer Soliman's residence.

Officer Soliman believed his residence was going to be burglarized and retrieved his off-duty pistol, which was secured in a pocket holster, from under his bed. Officer Soliman advised Crawford to contact 911 and moved towards his front door. As Officer Soliman opened the door of his residence, he heard an unknown voice yell, but was unable to hear what was said and observed the white Dodge Charger with no one near it. As Officer Soliman exited his residence with his off-duty pistol held near his chest, he walked out approximately 10 to 15 feet to investigate what was occurring. As Officer Soliman moved from his front door, Officer Soliman stated that he observed Suspect No. 1 suddenly jump up from behind Officer Soliman's parked vehicle in his driveway while holding a black object in his hand. Simultaneously, Officer Soliman heard footsteps on the east side of his residence and heard Suspect No. 2 yell, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun."

Officer Soliman stated that he immediately recognized the black object as a semi-automatic handgun which Suspect No.1 began to raise up towards Officer Soliman. Officer Soliman feared the suspect was going to shoot him and drew his off-duty pistol from its pocket holster and was subsequently involved in an OIS. Officer Soliman assessed and redeployed as he fired his rounds and ceased firing when he no longer observed Suspect No. 1 pointing the gun at him. Officer Soliman observed the suspects return quickly to their vehicle, which fled east on Cass Avenue.

The UOFRB considered that Officer Soliman was off duty, and did not initiate contact with the suspects, who approached Officer Soliman's residence in the early morning hours. The UOFRB noted the FID investigation determined that the same vehicle and suspects had committed a burglary from a motor vehicle approximately two tenths of a mile west of Officer Soliman's residence, minutes prior to stopping in front of Officer Soliman's residence. Officer Soliman was unaware of this other incident. The UOFRB noted that Officer Soliman took the time to assess the incident and retrieved his off-duty pistol from under his bed only after seeing Suspect No. 2 run towards the east side of his residence which was unsecured. The UOFRB noted that Officer Soliman was off-duty, inside of his residence, and did not have other less-lethal force options or additional resources available to him.

The UOFRB considered Officer Soliman's residence was vulnerable due to the ongoing construction in his front and rear yards, as well as Officer Soliman's residence being occupied by members of his family. The UOFRB noted that Officer Soliman communicated to Crawford to contact 911 in an attempt to request additional uniformed police resources and then moved to his front door to investigate the possible criminal activity which Officer Soliman believed was potentially occurring. Officer Soliman continued to assess as he listened to the noises and verbal cues that he could hear as he moved onto his front porch. The UOFRB considered Officer Soliman's statement that he hesitated when he saw the doors of the white Dodge Charger open and believed it was possible that coworkers were dropping food off due to him being home because of his quarantine. The UOFRB noted Officer Soliman was suddenly confronted by Suspect No. 1, who was armed with a handgun and began to raise and point the handgun towards Officer Soliman. As this was occurring, Officer Soliman heard Suspect No. 2 yell, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun." Subsequently, Officer Soliman drew his off-duty pistol from its pocket holster and became involved in an OIS. The UOFRB noted that the incident unexpectedly escalated due to the actions of the suspects. The UOFRB acknowledged that upon the conclusion of the OIS, and after the suspects fled from the location, Officer Soliman maintained his composure and provided pertinent information to CD regarding the suspects, their vehicle, and the quarantine.

In this case, although I acknowledge that Officer Soliman was placed in a challenging position of assessing a potential threat to himself with his family in his residence, I would have preferred Officer Soliman attempt to maximize his available time for assessment and be mindful of the tactical limitations while off duty, such as the lack of less-lethal force options and additional resources. However, Officer Soliman encountered possible criminal activity at his residence, was in fear for the safety of himself and his family and attempted to request additional resources prior to attempting to gain further awareness of the nature of the incident and be a good witness.

The possibility that co-workers were dropping off food to care for Officer Soliman and his family added an additional element to Officer Soliman's decisions. Officer Soliman was confronted by multiple suspects including Suspect No. 1, whose actions escalated the incident by presenting an imminent lethal threat which allowed Officer Soliman minimal time to react or de-escalate, subsequently leading to an OIS.

Based on the totality of the circumstances, the UOFRB determined, and I concur that Officer Soliman's off-duty tactics during this incident did not deviate from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Off-Duty Actions/Tactics (Holstering a Back-Up and Off-Duty Firearms) – The FID investigation revealed Officer Soliman, retrieved his off-duty pistol, and held the off-duty pistol in his right hand near his chest, which was still secured in its pocket holster when he exited his residence and remained on his own private property. Officer Soliman's off-duty pistol was held near his chest and not in a concealed manner as he exited his residence into his front yard of his own private property. Officer Soliman was subsequently involved in an OIS close to his front door as he was confronted by suspect No. 1, who was armed with a handgun, and began pointing the handgun towards Officer Soliman. In this case, Officer Soliman remained on his own private property as his off-duty clothing and the suddenness in which he encountered Suspect No. 1 while in close proximity to his home, were factors which limited his ability to conceal his off-duty pistol. Officer Soliman is reminded that when feasible, officers shall carry their off-duty pistols in a secure and concealed manner in order to minimize the risk of their pistols becoming unsecured and accessible to unauthorized persons. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Preservation of Evidence – The investigation revealed that following the OIS, and after speaking to the EBO to provide pertinent information, Officer Soliman exited his residence to his front yard and retrieved his pocket holster which he had discarded when he drew his off-duty pistol and was subsequently involved in an OIS. Officer Soliman holstered his off-duty pistol and placed it on his kitchen counter. Officer Soliman indicated he was not sure whether he retrieved his pocket holster prior to or after responding officers had arrived. In this case, the necessity of securing Officer Soliman's off-duty pistol was a factor in retrieving his pocket holster; however, Officer Soliman is reminded that if evidence must be moved, officers should don appropriate personal protective equipment to minimize altering or contaminating the evidence. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives, and create

conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers, and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Officer Steelmon took steps to assert command and control when he conducted an assessment immediately after arriving on scene and making contact with Officer Soliman.¹¹ Officer Steelmon ensured Officer Soliman and all other residents inside the location were safe and unharmed as he attempted to gain pertinent information to broadcast to responding units in the area. The UOFRB noted Officer Steelmon was cognizant of the Department's policies and procedures related to PSS and officer's rights and advised officers they were only gaining the knowledge necessary to broadcast pertinent information in a crime broadcast. The UOFRB noted Officer Steelmon exhibited leadership, maintained his composure, and approached the potentially alarming incident in a tactful and mature manner. Officer Steelmon directed officers to establish a crime scene, preserve evidence, and assembled a search team to clear Officer Soliman's rear yard for any potential remaining suspects. The UOFRB commended Officer Steelmon's response and leadership role in establishing command and control of the incident prior to the arrival of the first supervisor.

Officer Steelmon's actions were consistent with Department training and my expectations of a senior officer during a critical incident.

¹¹ Officer Steelmon completed Advanced Strategies for Command and Control on February 26, 2020.

Sergeant Boehret was the first supervisor to arrive at the scene. While responding to the scene, Sergeant Boehret broadcast for all additional responding units to discontinue their Code Three response excluding himself and two units. Upon his arrival at scene, Sergeant Boehret was briefed by on scene officers regarding the OIS and Officer Soliman being under quarantine. Sergeant Boehret did not declare himself the IC; however, he assumed the role being the sole supervisor on scene and provided oversight and directed resources to secure and contain the crime scene. Boehret directed officers to deactivate their BWV if they were in close proximity to the OIS location or spoke with Officer Soliman. Sergeant Boehret determined he had sufficient resources at scene to properly maintain the crime scene and broadcast that no further units or supervisors should enter the crime scene to avoid exposure. Sergeant Boehret admonished Officer Soliman not to speak about the incident and administered a PSS to Officer Soliman. Sergeant Boehret continued to visually monitor Officer Soliman from a short distance due the quarantine until he was relieved by FID investigators.

The UOFRB noted that Sergeant Boehret arrived after the OIS had occurred and the tactical situation had concluded. The UOFRB considered that this incident occurred during the initial stages of the pandemic and Sergeant Boehret effectively assessed the scene, taking the necessary precautions to limit the personnel that could potentially be exposed to the quarantine. The UOFRB noted that Crawford was able to hear various portions of conversations between Department personnel and Officer Soliman as the investigation progressed; however, it was noted that this was a challenging issue to manage due to the quarantine. The UOFRB concluded that Sergeant Boehret had met the expectations of supervisors after a Categorical Use of Force (CUOF) incident. As is expected, Sergeant Boehret adhered to his role as a supervisor, coordinated with available on scene personnel and completed priority tasks. Sergeant Boehret ensured that post CUOF protocols were adhered to by admonishing, separating, and monitoring Officer Soliman until relieved.

The actions of Sergeant Boehret were consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur that Officers Soliman's tactics did not deviate from Department policy and training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Therefore, I will direct that Officer Soliman attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On April 10, 2020, Officer Soliman attended a General Training Update (GTU). All mandatory topics were covered, including the Force Option Simulator (FOS) and Off-Duty Tactics.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Officer Soliman

According to Officer Soliman, he walked outside of his residence towards his driveway while holding his off-duty pistol secured in a pocket holster in his right hand near his chest area. Officer Soliman observed Suspect No. 1 "pop up from behind" his car. Simultaneously, he heard movement from the east side of his residence and heard Suspect No. 2 yell, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun." Officer Soliman initially observed a "black object" in Suspect No. 1's right hand which was down by Suspect No. 1's side. Suspect No. 1 then started "lifting" the black object up towards Officer Soliman, at which time Officer Soliman recognized the black object as a handgun. Officer Soliman who was cupping his off-duty pistol's holster in his left hand, grasped the butt of his off-duty service pistol in his right hand, and drew his off-duty pistol.

Officer Soliman recalled,

"And then I observed the -- the guy who was -- who popped up from behind my car -- I observed a black object in his hand. I looked at it, and I realized it was a gun. As -- as I saw it, I dropped my holster. I pulled the gun out from my holster."¹²

It looked like he was crou- -- either crouched down behind -- behind -- or the side of my car, and then I just saw his head pop up. And then he kind of ran kind of towards my

¹² Officer Soliman, 1st Interview, Page 10, lines 3-7.

direction westbound, and he stopped. And that's when I observed a black object in his hand, and then I realized it was a gun...It just looked like a black semiauto.¹³

I still had -- I had my gun in my hand, but it was holstered. And I started thinking maybe I know this person or -- I couldn't see who it was. And that's when he popped up and he ran around my car, and I observed a black object in his hand initially.¹⁴

My left hand was cupping the gun -- or the holster of the gun while my hand was actually holding the butt of the gun ...So I had it in front of my chest with my left hand cupping the holster while my right hand was holding the butt of the gun when I had first came out.¹⁵

Probably took me about a second, but it was when he started lifting the object up and then I realized it was a handgun...It was in his right hand and it was down to his side initially when I first saw it.¹⁶

I then -- once I saw the gun and once I saw it was an actual gun is when I ripped the holster out with my -- with my left hand I just ripped it out and threw it on the ground...¹⁷

The UOFRB also conducted a thorough evaluation of the reasonableness of Officer Soliman's Drawing/Exhibiting of his service pistol. The UOFRB noted Officer Soliman drew his off-duty pistol immediately prior to discharging it.

The UOFRB considered that Officer Soliman was off duty during early morning hours, inside of his residence with Crawford and her son, when he heard a vehicle stop in the street behind the parked vehicles in this driveway. Officer Soliman observed a white Dodge Charger stopped behind both of the vehicles parked in his driveway with the front driver's and front passenger's doors open. The UOFRB noted that as Officer Soliman assessed the scene, he observed Suspect No. 2, dressed in black clothes, run towards the east side of his residence which did not have any gates or barriers due to Officer Soliman's front and rear yards undergoing construction.

The UOFRB noted that Officer Soliman believed his residence was going to be burglarized and retrieved his off-duty pistol, which was secured in a pocket holster from under his bed. Officer Soliman advised Crawford to contact 911 in an effort to request additional uniformed police resources and moved towards his front door. The UOFRB noted that as Officer Soliman opened the door of his residence to continue to investigate if criminal activity was occurring, he heard a voice yell but was unable to hear what was said and observed the white Dodge Charger with no one near it. The UOFRB determined that it was reasonable for Officer Soliman to hold his off-duty pistol in his right hand while his left hand securely held the pocket holster near his chest due to the loose-fitting clothing Officer Soliman was wearing while off duty in his residence.

¹³ Officer Soliman, 1st Interview, Page 16, lines 6-12 and 15-16.

¹⁴ Officer Soliman, 2nd Interview, Page 12-13, lines 23-25 and 1-3.

¹⁵ Officer Soliman, 2nd Interview, Page 19, lines 10-12 and 20-23.

¹⁶ Officer Soliman, 2nd Interview, Page 15, lines 2-4 and 7-9.

¹⁷ Officer Soliman, 2nd Interview, Page 20, lines 3-6.

The UOFRB noted Officer Soliman's clothing would not have been conducive to properly securing and concealing his weapon. The UOFRB also considered that though Officer Soliman believed it was possible a crime was occurring, he did not prematurely draw his off-duty pistol as he exited his residence and instead held it securely near his chest. Additionally, the UOFRB noted Officer Soliman indicated he believed it was possible that co-workers may have been dropping off food as he began to walk towards his front yard area due to them advising they were possibly going to do so based on his quarantine.

The UOFRB noted that as Officer Soliman moved from his front door towards his front yard, Officer Soliman stated that he observed Suspect No. 1 suddenly jump up from behind Officer Soliman's parked vehicle in his driveway while holding a black object in his hand, which Officer Soliman immediately recognized as a semi-automatic handgun. The UOFRB considered that as this was occurring, he heard footsteps on the east side of his residence and heard Suspect No. 2 yell, "Get the gun or something about a gun," which the UOFRB opined would have influenced Officer Soliman's awareness on the increasing danger of the tactical situation.

The UOFRB noted that Officer Soliman observed Suspect No. 1 begin to raise the handgun towards him, feared the Suspect No. 1 was going to shoot him, and drew his off-duty pistol from its pocket holster. Officer Soliman drew his off-duty pistol based on his observations that Suspect No. 1 was armed with a handgun, which was pointed towards him, and presented an imminent lethal threat to Officer Soliman. The UOFRB noted that Officer Soliman had minimal time to react or redeploy based on Suspect No. 1 suddenly confronting Officer Soliman while being armed and pointing a handgun towards Officer Soliman.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Soliman, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officer Soliman's Drawing/Exhibiting to be In-Policy, No Further Action.

Policy on the Use of Force

Use of De-Escalation Techniques¹⁸

It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

¹⁸ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

Factors Used to Determine Objective Reasonableness¹⁹

The Department examines reasonableness using Graham v. Connor and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.

In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers, or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion, and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

Use of Force – Deadly²⁰

It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only to:

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*
- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used,*

¹⁹ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

²⁰ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: *Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.*

The Department's Evaluation of Deadly Force²¹

The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.

Officer Soliman – .40 caliber, six rounds discharged in three volleys of fire, from an increasing distance of approximately 36 to 50 feet.

Note: According to the FID investigation, an analysis of an audio recording from a residential video camera indicated that the OIS was approximately four seconds from the time of the first gunshot to the last gunshot.²² The first two gunshots sounded in pairs, followed by two single gunshots with a slight pause in between, and the last two gunshots were also in pairs.

Background: According to Officer Soliman, he discharged his off-duty service pistol in a southeasterly direction. The FID investigation determined that the background for the OIS was a hillside with plants, shrubs, trees, and a wood deck. Investigators from FID canvassed the area for evidence and bullet impacts. No bullet impacts were identified.

The UOFRB noted that during the incident, Officer Soliman's background during the OIS did appear to pose any hazards to any apparent bystanders. The hillside contained foliage and a wood deck. The background during this incident did not pose any unusual concerns to the safety of the community when contrasted to the imminent threat of Serious Bodily Injury or death to Officer Soliman.

Volley One – Two rounds, discharged in a southeasterly direction.

²¹ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

²² The audio recording was captured on the video camera of the residence at 5234 Sale Avenue.

Note: The FID investigation determined Officer Soliman discharged his off-duty service pistol a total of six times; however, Officer Soliman only recalled discharging his off-duty service pistol a total of four times.

According to Officer Soliman, he was inside of his residence when he observed a white Dodge Charger through his bedroom window, stopped in the middle of the street, behind the parked vehicles in his driveway. Officer Soliman briefly monitored the vehicle through his bedroom window, retrieved his off-duty pistol, and exited his residence to determine what was occurring. Officer Soliman walked out of his residence towards his driveway while holding his off-duty pistol secured in a pocket holster in his right hand near his chest area, observed Suspect No. 1, wearing a black and red sweatshirt, suddenly appear near the rear of his vehicle, holding a black object in one hand, and begin "extending his [Suspect No. 1] arm and lifting it up towards me [Officer Soliman]." Simultaneously, Officer Soliman heard movement from the east side of his house and heard Suspect No. 2 yell, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun." Officer Soliman recognized the black object Suspect No. 1 was holding was a black semiauto handgun and drew his off-duty pistol from its pocket holster. Officer Soliman was in fear for his safety, believed the suspect was going to shoot him, and discharged his off-duty service pistol from a one-handed "close contact" position targeting Suspect No. 1's "center mass," due to the imminent lethal threat that was presented. Officer Soliman stated it was necessary to fire his off-duty pistol due to the fact that the suspect was armed with a handgun, began pointing it at him, and his belief that the suspect was going to "shoot" him if he did not fire his pistol. Officer Soliman stated, "I knew that I was going to get shot by him if I didn't do something about it."

Officer Soliman recalled,

"He started raising the gun towards me, and that's when I began firing."²³

It just looked like a black semiauto."²⁴

It looked like he was only holding it with one hand, and then he started kind of extending his arm and lifting it up towards me."²⁵

And I was just focused -- focused on his -- his hand on the gun."²⁶

So as soon as I saw the first person pop up, I heard -- I heard somebody running which sounded like it was coming from the side of my garage. And I heard that person yell either, "Get the gun," or something about getting a gun."²⁷

²³ Officer Soliman, 1st Interview, Page 10, lines 7-9.

²⁴ Officer Soliman, 1st Interview, Page 16, lines 15-16.

²⁵ Officer Soliman, 1st Interview, Page 16, lines 21-23.

²⁶ Officer Soliman, 1st Interview, Page 17, lines 2-3.

²⁷ Officer Soliman, 1st Interview, Page 17, lines 4-8.

He extended his right arm, and it started going up. All I remember was seeing -- I think he had black gloves on, too, because all I saw was the gun. And it looked like his hand was black, but it looked more like a glove black, not like a skin color black. And he started raising it up towards me.²⁸

And I was just focused -- focused on his -- his hand on the gun.²⁹

As he was raising the gun towards me, I -- I fired -- I fired one round.³⁰

I was in fear for my safety. I thought he was going to shoot -- oh, well, I knew he was going to shoot me.³¹

First round, he -- first round that -- first time it went off, I saw the sus- -- suspect move fast, so I think he was trying to get to cover.³²

I was aiming center mass...It was the car. Mainly the -- the car was in the background and then my neighbor's kind of sloped hill.³³

It was -- the lighting was pretty dark around my driveway area, but around the front of the house there was -- I would say there is a decent amount of light where I could -- where I could see. But around the -- the front of the garage, the -- the lighting's a little dark.³⁴

Initially when I looked out the window and I saw him beeline it towards the side of my house, I thought they were breaking into the house, so that's when I started to go outside. And when I got outside, I saw the -- I saw the white Charger parked there. I didn't see anybody. And then I thought to myself -- I was like maybe it's somebody I know dropping off food or -- At that time I had a lot of -- I had the deputy chief contacting me every day, the commander, and the captain. So I kind of thought like, wait, is this like somebody from my job or is this somebody that I know? Because a lot of people were saying they were going to drop off food. And I had people that were coming up -- coming to my house dropping off stuff. So at that point when I was out there, I started kind of second guessing myself like, okay, maybe it's somebody I know.³⁵

Because he started raising the handgun towards me to shoot me."³⁶

²⁸ Officer Soliman, 1st Interview, Page 18, lines 19-25.

²⁹ Officer Soliman, 1st Interview, Page 19, lines 2-3.

³⁰ Officer Soliman, 1st Interview, Page 19, lines 6-7.

³¹ Officer Soliman, 1st Interview, Page 19, lines 22-24.

³² Officer Soliman, 1st Interview, Page 20, lines 6-9.

³³ Officer Soliman, 1st Interview, Page 21, lines 2 and 6-8.

³⁴ Officer Soliman, 1st Interview, Page 22-23, lines 25 and 1-5.

³⁵ Officer Soliman, 2nd Interview, Page 9-10, lines 12-25 and 1-4.

³⁶ Officer Soliman, 2nd Interview, Page 11, lines 22-23.

Because I knew the suspect was going to shoot me if I didn't fire my weapon. I knew that I was going to get shot by him if I didn't do something about it.³⁷

When he started lifting it -- when I realized it was a gun and he started lifting it up towards me with it aimed in my direction...I shot one round.³⁸

I would say about a second. I literally ripped it out and then took a shot thinking he was -- I was like I need to get a shot off before he gets a shot off on me.³⁹

...and then I believe I only shot with one hand. I don't believe I actually took a stance. I believe I just shot with one hand...I believe my first round when I pulled it out was somewhat close contact and then I pulled it out as I took my second round. And then my third and fourth round, I was extended as I was going backwards towards my house.⁴⁰

Volley Two – Two rounds discharged in a southeasterly direction.

Note: The FID investigation determined Officer Soliman discharged his off-duty service pistol a total of six times; however, Officer Soliman only recalled discharging his off-duty service pistol a total of four times.

According to Officer Soliman, after he discharged his off-duty pistol, he observed the Suspect No. 1 begin to run westbound towards one of the fence columns which made up various portions of an unfinished wall in Officer Soliman's front yard. Officer Soliman observed Suspect No. 1 still raising the handgun that Suspect No. 1 had been armed with, towards his [Officer Soliman] direction. Officer Soliman discharged his off-duty pistol.

Officer Soliman recalled,

"And then I fired one more round as he was going more west behind the pillar -- or the column, the fence column."⁴¹

He began to run westbound towards pillar number one with his hand still going up towards me...I fired another round.⁴²

He was -- then I -- he went towards the pillar. I kind of sidestepped to my left just to get a better -- better look -- or not -- well, better shot at him as he had the gun in his hand. And then I fired one round and another round as I started backpedaling towards my door.⁴³

³⁷ Officer Soliman, 2nd Interview, Page 12, lines 1-4.

³⁸ Officer Soliman, 2nd Interview, Page 15, lines 12-15 and 19.

³⁹ Officer Soliman, 2nd Interview, Page 23, lines 6-9.

⁴⁰ Officer Soliman, 2nd Interview, Page 20, lines 6-9 and 14-18.

⁴¹ Officer Soliman, 1st Interview, Page 20, lines 9-11.

⁴² Officer Soliman, 2nd Interview, Page 15-16, lines 25 and 1-2.

⁴³ Officer Soliman, 2nd Interview, Page 16, lines 12-17.

Round two was -- I fired -- when I first saw the gun coming up, I fired one round and then he was kind of sidestepping more towards the middle of in between my trunk and pillar one when I fired the second round.”⁴⁴

Volley Three – Two rounds fired in a southeasterly direction.

Note: The FID investigation determined Officer Soliman fired his off-duty service pistol a total of six times; however, Officer Soliman only recalled discharging his off-duty service pistol a total of four times.

According to Officer Soliman, he attempted to gain some cover and began “retreating and going backwards” as Suspect No. 1 moved from behind Officer Soliman’s vehicle to the fence column. As Officer Soliman continued to redeploy backwards towards the cover of his front door, he observed “half his [Suspect No. 1] body was covered with the column.” Officer Soliman observed that Suspect No. 1 was still facing Officer Soliman and the handgun the Suspect No. 1 was armed with still coming up pointed towards Officer Soliman. Due to the imminent lethal threat presented by the suspect having a tactically advantageous position of cover and continuing to point a handgun at Officer Soliman, Officer Soliman discharged his off-duty pistol at the “right hand-side” of the suspect, which was the only area for which he had a visual.

Officer Soliman recalled,

“And then he was still raising it. I fired another round. And then I attempted to get cover because I noticed I was going more towards the left and realized I didn't have any cover. So I started retreating and going backwards as he moved from behind my car to the column, and then I fired another round as the gun was still pointed at me and then another round.”⁴⁵

And then half his body was covered with the -- the column. And all I could see was the gun still coming up, and I fired another round and then another round.”⁴⁶

I honestly didn't know if I had hit the suspect. He ran so fast. I didn't -- I didn't know if I had hit him...I believe -- at the time I believed it was four.”⁴⁷

It would be three and four, which was when he was more towards the pillar and I kind of lost half -- half the side of his body.”⁴⁸

I was aiming center mass or what I can see -- and the part of his body that I could see, which was his right-hand side.”⁴⁹

⁴⁴ Officer Soliman, 2nd Interview, Page 25, lines 17-21.

⁴⁵ Officer Soliman, 1st Interview, Page 19, lines 7-15.

⁴⁶ Officer Soliman, 1st Interview, Page 20, lines 12-15.

⁴⁷ Officer Soliman, 2nd Interview, Page 21, lines 3-5 and 8-9.

⁴⁸ Officer Soliman, 2nd Interview, Page 24, lines 23-25.

⁴⁹ Officer Soliman, 2nd Interview, Page 21, lines 13-15.

It appeared that he was still facing me. I saw the gun and it looked like he was still facing me."⁵⁰

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness and necessity of Officer Soliman's use of deadly force. The UOFRB noted that the investigation determined that Officer Soliman's use of deadly force culminated in three volleys of fire, which spanned a total time of approximately four seconds.

The UOFRB considered that Officer Soliman was off duty during early morning hours, inside of his residence with Crawford and her son, when he heard a vehicle stop in the street behind the parked vehicles in this driveway. Officer Soliman observed the white Dodge Charger stopped behind both of the vehicles parked in his driveway with both the front driver's and front passenger's doors open. The UOFRB noted that as Officer Soliman assessed the scene, he observed Suspect No. 2, dressed in black clothes, run towards the east side of his residence which did not have any gates or barriers due to Officer Soliman's front and rear yards undergoing construction. The UOFRB noted that Officer Soliman believed his residence was going to be burglarized, feared for both his safety as well as his family, and retrieved his off-duty pistol, which was secured in a pocket holster, from under his bed. Officer Soliman advised Crawford to contact 911 and moved towards his front door. The UOFRB considered that Officer Soliman continued to assess throughout the incident and attempted to communicate with Crawford and request the response of additional police resources. The UOFRB noted that as Officer Soliman opened the door of his residence to continue to determine if criminal activity was occurring or if it was in fact a co-worker, he heard a voice yell, but was unable to hear what was said. Officer Soliman observed the white Dodge Charger with no one near it. The UOFRB also noted that although Officer Soliman believed it was possible that a crime was occurring, he did not prematurely draw his off-duty pistol as he exited his residence and instead held it securely near his chest due to his loose-fitting clothing. UOFRB considered that as Officer Soliman exited his residence and moved towards the front yard, he continued to assess and investigate if criminal activity was occurring, and indicated he believed it was possible that coworkers may have been dropping off food due to them being in contact with him based on his quarantine status.

The UOFRB noted that as Officer Soliman moved from his front door towards the front yard, Officer Soliman observed Suspect No. 1 suddenly jump up from behind Officer Soliman's parked vehicle in his driveway while holding a black object in his hand, which Officer Soliman immediately recognized as a semi-automatic handgun. The UOFRB considered that as this was occurring, Officer Soliman heard footsteps on the east side of his residence and Suspect No. 2 yell, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun" which the UOFRB opined would have been a factor in determining Officer's Soliman's assessment on the increasing danger of the tactical situation.

The UOFRB noted that Officer Soliman observed Suspect No. 1 begin to raise the handgun towards him. Officer Soliman feared that Suspect No. 1 was going to shoot him, and drew his

⁵⁰ Officer Soliman, 2nd Interview, Page, 25, lines 10-12.

off-duty pistol from its pocket holster. Officer Soliman discharged his off-duty pistol six times, in three volleys of fire in approximately four seconds as he redeployed. Officer Soliman redeployed backwards towards his front door as Suspect No. 1, who was armed with a handgun, continued to raise the handgun pointed towards Officer Soliman as Suspect No. 1 moved in a westerly direction behind a fence column. Officer Soliman feared for his safety, believed Suspect No. 1's actions presented an imminent lethal threat, and that Suspect No. 1 would shoot him if he did not take the necessary action to defend his life. Officer Soliman believed it was necessary to defend his life from the imminent lethal threat presented by Suspect No. 1's actions of raising and pointing a handgun at Officer Soliman.

The UOFRB noted that Officer Soliman indicated that Suspect No. 1 continued to raise and point the handgun at Officer Soliman, even as both Officer Soliman and Suspect No. 1 redeployed and adjusted their positions during the OIS. The UOFRB considered that Suspect No. 1's sudden appearance and actions of raising and pointing a handgun towards Officer Soliman gave Officer Soliman minimal time to react, de-escalate, or redeploy. The UOFRB noted that Officer Soliman continued to assess, and immediately after determining Suspect No. 1 no longer presented an imminent lethal threat, ceased firing. During Officer Soliman's discharging of his firearm, he maintained proper fire control.

In my overall assessment of Officer Soliman's lethal use of force, I determined that Officer Soliman was off duty inside of his residence with his family. Officer Soliman was presented with a sudden and rapidly unfolding situation with minimal time for assessment. Officer Soliman immediately assessed the situation and determined a possible crime was occurring that could potentially endanger his family, retrieved his off-duty pistol, and advised Crawford to contact 911 in an effort to utilize tactical de-escalation strategies, even while off duty. As Officer Soliman exited his residence to determine what was actually occurring, he was presented with multiple suspects. Suspect No. 1 unexpectedly presented himself and began to raise and point a handgun at Officer Soliman, while Suspect No. 2 continued to redeploy and yelled, "Get the gun" or a statement that Officer Soliman described as "something about getting a gun." Officer Soliman had minimal time to react or de-escalate the encounter based on Suspect No. 1's sudden appearance and the imminent lethal threat presented by his actions. Suspect No. 1's actions necessitated Officer Soliman's actions of drawing and discharging his off-duty pistol. Officer Soliman discharged his off-duty pistol a total of six times as he redeployed back towards the cover of his front door as Suspect No. 1 moved west towards a fence column while continuing to raise and point a handgun at Officer Soliman. It was reasonable and necessary for Officer Soliman to discharge his off-duty pistol based on Suspect No. 1's actions which presented a clear and discernable imminent lethal threat.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Soliman, would reasonably believe Suspect No. 1's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

Therefore, I find Officer Soliman's Use of Lethal Force for all six rounds (Volleys One, Two, and Three) to be In-Policy, No Further Action.

Additional/Equipment

Communications Division Protocols – The FID investigation revealed that Police Service Representative II, J. Macleery, Serial No. N6265, Communications Division (CD), initially broadcast the radio call at 0129 hours as a Code Three shooting just occurred involving an off-duty LAPD officer. At 0131:50 hours, CD upgraded the radio call to a shots fired, Officer Needs Help call. The initial broadcast should have been already upgraded to an Officer Needs Help broadcast. Captain A. Vargas, Serial No. 30493, Commanding Officer, CD, advised that this issue was addressed through the issuance of an Employee Comment Sheet. The Commanding Officer of Administrative Services Bureau (ASB) and the Director of the Office of Support Services (OSS) concurred with this action. As such, I deem no further action is necessary.

Protocols Subsequent to a Categorical UOF – The investigation revealed Sergeant Boehret was the first supervisor at scene. He administered a PSS to Officer Soliman while maintaining distance from Officer Soliman due to Officer Soliman's medical recovery. Sergeant Boehret did not deactivate his BWV prior to administering the PSS and the PSS was subsequently captured on Sergeant Boehret's BWV. Captain T. Hankel, Serial No. 27394, Commanding Officer, Topanga Patrol Division, advised that this issue was addressed through an informal meeting. The Commanding Officer of Operations – Valley Bureau (OVV) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Body Worn Video Activation – The investigation revealed, Officers Steelmon and Guenther did not have a full two-minute pre-activation buffer during this incident due to both officers powering off their BWV prior to responding to the radio call. According to FID investigators, Officers Steelmon and Guenther were at a gas station attending to personal needs and they powered off their BWVs. Officers Steelmon and Guenther did not power their BWV back on until their arrival at the radio call.

An analysis by Topanga Area determined Officer Steelmon had no prior BWV non-compliance incidents. Topanga Area conducted a 30-day audit of Officer Steelmon's BWV and found he was in full compliance. Captain Hankel addressed the lack of full pre-activation buffer with Officer Steelmon through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OVB and the Director of OO concurred with this action.

An analysis by Topanga Area determined Officer Guenther had no prior BWV non-compliance incidents. Topanga Area conducted a 30-day audit of Officer Guenther's BWV and found he was in full compliance. Captain Hankel addressed the lack of full pre-activation buffer with Officer Guenther through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OVB and the Director of OO concurred with this action.

The Office of Operations conducted a random inspection of BWVs assigned to Officers Steelmon and Guenther, from July 27, 2020 through August 23, 2020, for compliance for full two-minute pre-activation buffers. The results of the inspections indicated both officers were in compliance. As such, I deem no further action is necessary.

Preservation of Evidence – The FID investigation revealed that Captain Tom arrived at scene. Captain Tom was concerned for Officer Soliman's welfare due to a significant medical condition that Officer Soliman was recovering from which was unrelated to the OIS. Captain Tom stated he entered the crime scene, avoided affecting the crime scene, and spoke briefly with Officer Soliman to only check on Officer Soliman's well-being.

A review conducted by Operations – West Bureau (OWB) determined that Captain Tom's entering of the crime scene was for the sole purpose of checking on the welfare of Officer Soliman. Due to the circumstances related to Officer Soliman's recovery, Captain Tom's actions were appropriate and were within Captain Tom's responsibility as Officer Soliman's commanding officer. There was no evidence that Captain Tom's actions altered the crime scene. The Director of OO determined that no further action for Captain Tom was needed. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – All responding Topanga Patrol Division police vehicles were equipped with DICVS. Force Investigation Division detectives reviewed the DICVS of the responding units. Officers Shonafelt, Magana, Steelmon and Guenther were the first units to arrive on scene. They arrived approximately eight minutes after the OIS; therefore, the DICVS did not capture the OIS.

Body Worn Video (BWV) – All responding Topanga Patrol Division personnel were equipped with BWVs and activated them during the incident. Officers Shonafelt, Magana, Steelmon and Guenther were the first units to arrive on scene. They arrived approximately eight minutes after the OIS occurred; therefore, their BWVs did not capture the OIS.

Social Media – Force Investigation Division's Cyber Unit monitored social media from the date of the incident until the submission of this investigation. No additional evidence, information, or witnesses were identified.

Outside Videos – Three third-party videos were obtained by FID investigators during this investigation. Each of those videos were reviewed in detail and stored at Technical Investigation Division Electronics Section for future reference.

Respectfully,


MICHEL R. MOORE
Chief of Police

Date: _____

1-20-21

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

INC No. 010-20	CF No.	DR No. 20-2107866
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 22527 Cass Avenue, Woodland Hills	RD 2183	Date of Incident March 30, 2020	Date and Time of Board Review December 14, 2020 1230 Hours
Chair Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members: <i>[Signature]</i> 33910 for		
Member (Office Representative) Commander M. Rimkunas, Serial No. 32211	<i>[Signature]</i> 33910 for		
Member (Police Sciences and Training Bureau) Commander D. Randolph, Serial No. 27634	<i>[Signature]</i> 33910 for		
Member (Bureau) Commander C. Palka, Serial No. 25060	<i>[Signature]</i> 33910 for		
Member (Peer) Ofcr M. Sternin, Serial No. 42475	<i>[Signature]</i> 33910 for		
Presenting Commanding Officer Captain R. Whiteman, Serial No. 34900	<i>[Signature]</i> 33910 for		
Notes: Virtual UOFRB Due to COVID Restrictions <div style="text-align: right;"> Certified by <i>[Signature]</i> 33910 witnessed by <i>[Signature]</i> 39021 SER LOUIS FARIAS OFCR JAMES WHANG </div>			
Additional Considerations:			
Modification to Present Policy, Practices or Training:			
<div style="text-align: right;"> <input type="checkbox"/> COP Date Signed: _____ <input type="checkbox"/> PC Date Submitted: _____ </div>			

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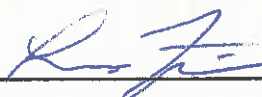






Employee (Last Name, First, Middle) Soliman, Jimmy		Serial No. 39370	Rank/Class Police Officer II	Incident No. 010-20
Length of Employment 11 years, 11 months		Current Division West Los Angeles	Time in Current Division 3 years, 5 months	
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
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<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

INC No. 010-20	CF No.	DR No. 20-2107866
SHOOTING		

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Notes: Virtual UOFRB Due to COVID Restrictions <div style="text-align: right;"> Certified by  33910 witnessed by  39021 OFCE JAMES WHANG </div>			
Additional Considerations:			
Modification to Present Policy, Practices or Training:			
<div style="text-align: right;"> <input type="checkbox"/> COP Date Signed: _____ <input type="checkbox"/> PC Date Submitted: _____ </div>			

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Employee (Last Name, First, Middle) Soliman, Jimmy		Serial No. 39370	Rank/Class Police Officer II	Incident No. 010-20
Length of Employment 11 years, 11 months	Current Division West Los Angeles	Time in Current Division 3 years, 5 months		

Use of Force Review Board	Chief of Police	Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: *Sgt L. Farcas* *Sgt L. Farcas*

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<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed	Notes:
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***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**